Claims 1-15 and 17-20 are rejected under by the Examiner 35 U.S.C. 102(e) as being clearly anticipated by Huard et al. ('800).

The Examiner states,

"Huard et al. discloses a conventional casino game where players contribute additional bets to a random jackpot. The random jackpot can be triggered when a particular card is drawn, a particular set of cards are drawn, or a particular player is selected."

The Examiner concludes,

"Accordingly, Huard et al. discloses a method on wagering on a game of chance, which can be a card game such as poker, 21, baccarat, roullette or craps. A community event, such as the draw of a particular card, particular set of cards or selection of a particular player is then identified. The players accept wagers on the community event. Chance events are then generated by the normal play of the card game at hand. When the community event is triggered, the player triggering the event is awarded a jackpot from a prize pool."

The Applicants' independent claims 1, 13, 17 and 18 include a step not disclosed or suggested by the cited Huard et al. '800 reference. In all of Applicants' independent claims1, 13, 17, and 18 as now amended, the event pay out is based on the amount of the player's wager such that those who bet more win more and those that bet less win less. In particular, the independent claims include the step from cancelled claims 6 and 7. Specifically, the amendments include basing the determining the reward of each player substantially on the proportion of the fraction of total wagers made by all the wagering players during that game of chance that the amount of the player's wager represented. Independent claim 1 is slightly different in that the reward is a function of the total wagers. Thus the Applicants' claims cover more than merely giving from the total prize pool everyone a small fraction and dividing the remainder.

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The Huard et al. patent has an auxiliary game with an incremental wager. The present progressive tie wager is part of the principal game demanding no incremental wager and requires no additional random selection process of an additional card or selection of a player position. Unlike any other progressive game either on tables or slots, the present progressive tie wager is part of a player's original and principal wager. The present tie wager creates different categories of tie outcomes. The original concept of a player winning a multiple of his bet on a tie is unchanged. Rather the player will receive different rewards based upon which category of tie outcome results. The Huard et al. patent follows a very different method and does not disclose categorization of an existing game outcome without an incremental wager.

Huard et al. teaches that,

> "winner selection by possession of one of a few predetermined high scoring arrangements of cards lacks a certain appeal to players who are willing to take a chance on the extra bet for the progressive jackpot, but who do not expect to obtain a high scoring hand. A more random method of winner selection would be more appealing to players participating in and auxiliary game, because when the winner selection is more random, then anyone has a chance to win."

Applicants' game runs counter to that as the winning community event is a high scoring arrangement of cards in the principal game, not an auxiliary game. Huard et al. teaches a single winner not multiple winners as taught by Applicants' concept. There is no community event taught by Huard et al., while Applicants' is dependent upon the community event. Under Huard et al teachings, players compete for the winning outcome of a random event. Under the present disclosure players compete for the largest share of a random community event.

The Huard et al. patent teaches the ability to win a significant sum for a "modest" wager. This is typical of progressive concepts. Applicants teach the ability to win a significant sum by betting more than the other players on the game and thus such bets may not be a modest wager. The casino benefits, players can win more and want to

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play more. Huard et al. does not anticipate a payout as a function of the wager or a proportional payout based upon the size of a player's wager. Huard et al. has a constant wager as the qualifier for the jackpot.

Huard et al. teaches that "anyone can win." Applicants' game is very different as everyone at the table can win.

Huard et al, '800 ties the amount paid out to many factors and not one of those would have anticipated Applicants' pay out as a function of the amount each player individually wagered. The pay out in Huard et al. '800 is based on the jackpot, that is the collected from extra wagers to participate in the auxiliary game. Even wherein the Huard et al. '800 pay out is a percentage of the jackpot, the amount bet by each player has to be credits and is not from individual bet made. Moreover, only the Applicants' claimed method affords each player the added incentive of making the underlying wager greater to win more on the community event bet.

Rejected independent claims 1, 13, 17 and 18 have been amended. All pending claims have been directly or indirectly distinguished and/or amended, the cited reference has been explained and the claims and reference have been made clear relative to the Examiner's rejections. Reconsideration is respectfully requested. If there are any amendments or issues that the Examiner wishes to discuss, the undersigned stands ready to resolve them and make all Applicants' pending claims allowable.

On behalf of the Applicants by their attorney,
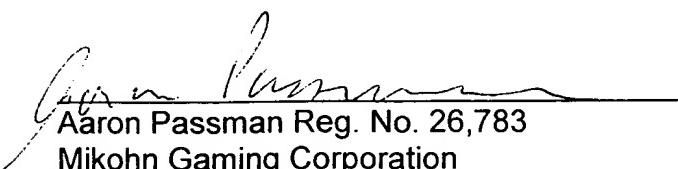
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